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10/605,621	10/14/2003	Richard Eugene Anderson	BUR920030043US1	2620

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _14 October 2003_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-3,5-8,10-13 and 15_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-3,5-8,10-13 and 15_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _14 October 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 2, 4-7, and 9-12 are rejected under 35 U.S.C. 102(e) as being

anticipated by Yao et al. (US 2005/0232269).

In claim 1, Yao et al. discloses a method for translating data packets from one

network protocol to another, comprising: storing a plurality of translation

templates into a translation template cache (see paragraph 51, line 21);

in response to a data packet (see paragraph 51, line 1) from a first network (see

paragraph 51, line 11) arriving at a translation router (see paragraph 31, line 1

and figure 10, block 230), selecting (see paragraph 31, lines 8 –22) an

appropriate one of plurality of translation templates from translation template

cache according to an incoming port number from which the data packet comes

(see paragraph 31, lines 8 –22); generating a new header (see paragraph 51,

lines 21-23) for transmission into a second network (see paragraph 51, line 3) by

reading header fields (see paragraph 51, lines 21-23) of data packet from first

network along with appropriate one of plurality of translation templates in

translation template cache; removing data payload (see paragraph 51, lines 21-23) of data packet from the first network from its header (see paragraph 51, lines 21-23); appending the removed data payload (see paragraph 51, lines 21-23) to new header to form new data packet for second network; and transmitting the new data packet to second network.

In claim 2, Yao et al. discloses a method where there is a plurality of translation templates including translation templates for Fibre Channel (see paragraph 31, lines 1-4), translation templates for Ethernet (see paragraph 31, lines 1-4), and translation templates for InfiniBand (see paragraph 31, lines 1-4).

In claim 5, Yao et al. discloses a method for generating the new header (see paragraph 51, lines 21-23) for transmission into the second network (see paragraph 51, line 3) according to an outgoing port number (see paragraph 27, lines 11-15) to which data packet (see paragraph 51, line 1) is to be transmitted.

In claim 6, Yao et al. discloses an apparatus for translating data packets from one network protocol to another, comprising:

a translation template cache for storing a plurality of translation templates (see paragraph 51, line 21); a translation router (see paragraph 31, line 1 and figure 10, block 230) in response to the receipt of a data packet (see paragraph 51, line 1) from a first network (see paragraph 51, line 11), for selecting (see paragraph 31, lines 8 –22) an appropriate one of the plurality of translation templates from translation template cache according to an incoming port number from which the data packet comes (see paragraph 31, lines 8 –22); generating a new header

(see paragraph 51, lines 21-23) for transmission into a second network (see

paragraph 51, line 3) by reading header fields (see paragraph 51, line 3)) of data

packet from first network along with appropriate one of the plurality of translation

templates in translation template cache; removing data payload (see paragraph

51, lines 21-23) of data packet from its header (see paragraph 51, lines 21-23);

appending the removed data payload (see paragraph 51, lines 21-23) to new

header to form a new data packet for the second network; and transmitting the

new data packet to second network.

In claim 7, Yao et al. discloses an apparatus consisting of a plurality of translation

templates including translation templates for Fibre Channel (see paragraph 31,

lines 1-4), translation templates for Ethernet (see paragraph 31, lines 1-4), and

translation templates for InfiniBand (see paragraph 31, lines 1-4).

In claim 10, Yao et al. discloses an apparatus for generating the new header (see

paragraph 51, lines 21-23) for transmission into a second network (see

paragraph 51, line 3) according to an outgoing port number (see paragraph 27,

lines 11-15) to which data packet (see paragraph 51, line 1) is to be transmitted.

In claim 11, Yao et al. discloses a computer readable medium having a computer

program product (see paragraph 51, lines 23-27) for translating data packets

from one network protocol to another (see paragraph 51, lines 23-27), the

computer readable medium (see paragraph 51, lines 23-27) comprising:

computer program code (see paragraph 51, lines 23-27) for storing a plurality of

translation templates (see paragraph 51, line 21) into a translation template

cache (see paragraph 51, line 21); in response to a data packet from a first

network (see paragraph 51, line 11) arriving into a translation router (see

paragraph 31, line 1 and figure 10, block 230), computer program code for

selecting an appropriate one of the translation templates (see paragraph 31, lines

8 –22) from translation template cache (see paragraph 51, line 21) according to

an incoming port number from which the data packet comes (see paragraph 31,

lines 8 –22); computer program code for generating a new header (see

paragraph 51, lines 21-23) for transmission into a second network (see

paragraph 51, line 3) by reading header fields (see paragraph 51, line 3) of data

packet from the first network along with appropriate translation template in

translation template cache; computer program code for removing data payload

(see paragraph 51, lines 21-23) of data packet from its header; computer

program code for appending the removed data payload to the new header (see

paragraph 51, lines 21-23) to form a new data packet for the second network;

and computer program code (see paragraph 51, lines 23-27) for transmitting the

new data packet to the second network.

In claim 12, Yao et al. discloses a computer readable medium (see paragraph

51, lines 23-27) consisting of a plurality of translation templates having

translation templates for Fibre Channel (see paragraph 31, lines 1-4), translation

templates for Ethernet (see paragraph 31, lines 1-4), and translation templates

for InfiniBand (see paragraph 31, lines 1-4).

In claim 15,Yao et al. discloses a computer readable medium (see paragraph 51,

lines 23-27) having computer program code (see paragraph 51, lines 23-27) for

generating the new header (see paragraph 51, lines 21-23) for transmission into

the second network (see paragraph 51, line 3) according to an outgoing port

number (see paragraph 27, lines 11-15) to which data packet (see paragraph 51,

line 1) is to be transmitted.

Claim Rejections - 35 USC § 103

3.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 3, 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Yao et al. (11/138,584) in view of Gazsi et al. (09/803,384).

In claims 3, 8 and 13 Yao et al. discloses a method, apparatus and computer

readable medium for translating data packets from one network protocol to

another, comprising: constructing a plurality of translation templates (see

paragraph 51, line 21); loading plurality of translation templates into a translation

template cache (see paragraph 51, line 21); in response to a data packet (see

paragraph 51, line 1) from a first network (see paragraph 51, line 11) arriving at a

translation router (see paragraph 31, line 1 and figure 10, block 230), selecting

(see paragraph 31, lines 8 –22) an appropriate one of plurality of translation

templates from translation template cache according to the translation context

(see paragraph 51, line 21)of data packet; generating a new header (see

paragraph 51, lines 21-23) for transmission into a second network (see

paragraph 51, line 3) by reading header fields (see paragraph 51, lines 21-23) of

data packet from first network along with appropriate one of plurality of

 translation templates in translation template cache; removing data payload (see

paragraph 51, lines 21-23) of data packet from the first network from its header

(see paragraph 51, lines 21-23); appending data payload (see paragraph 51,

lines 21-23) of data packet to constructed header for second network; and

transmitting the data packet to second network.

In claim 3, 8 and 13 Yao discloses all of the subject matter of the claimed

invention with the exception of the translation template cache being a dedicated

on-chip memory.

Gazsi, from the same field of endeavor, teaches a translation router has data

processing processors having a dedicated on-chip memory (see column 4, lines

3-9). Gazsi's dedicated memory (see column 4, lines 3-9) enables less

processing time for the processors and a faster method for moving data to and

from a storage device or between data networks, thus increasing the overall

performance of the router.

Yao and Gazsi are analogous art because they are from the same fields of

endeavor of translating data packets between different networks (see abstract,

line 2) and separation of header and payload (see column 3, lines 56-61). At the

time of the invention, it would have been obvious to a person of ordinary skill in

the art to use Gazsi's dedicated memory (see column 4, lines 3-9) for use as a

translation template cache in Yao's method, apparatus and computer program

product for address forwarding for a computer network.

The motivation for using Gazsi's dedicated memory (see column 4, lines 3-9)

would have been to have less processing time for the processors and having a

faster method for moving data to and from a storage device or between data

networks which increases the overall performance of the router.

6.   Applicant's arguments filed 06/29/2007 have been fully considered but they are

not persuasive.

In the remarks of 06/29/2007, applicant respectfully traverses such rejection

insofar as it might apply to the claims as amended herein. The traversal is based

on the ground that claim 1 (and similarly Claims 6 and 11) recites "in response to

a data packet from a first network arriving at a translation router, selecting an

appropriate one of said plurality of translation templates from said translation

template cache according to an incoming port number from which said data packet comes". This argument is not found to be persuasive.

Yao et al. discloses selecting an appropriate one of the plurality of translation templates from the translation template cache according to an incoming port number from which the data packet comes. The selecting of the appropriate one of the plurality of translation templates from the translation template cache is mentioned in paragraph 31. Paragraph 31 also covers selecting according to an incoming port number from which the data packet comes. Also, paragraph 27, lines 11-15 is an example of an incoming port. Also, in addition to paragraph 31, it is suggested to look at figure16. Therefore, Yao et al. does teach of selecting based on an incoming port.

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Abdullah Riyami whose telephone number is (571) 270-

3119. The examiner can normally be reached on Monday through Friday 7am-5pm

EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dang Ton can be reached on (571) 272-3171. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AR

DANG T. TON
SUPERVISORY PATENT EXAMINER